

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

JAMES LEACH

v.

Case No. 3..22 – cv -50004

UAW Local 1268 Region 4,
and FCA, FIAT CHRYSLER
AUTOMOTIVES, Union Supervisor / Team Lead RICKY HICKS
("Individually acting as agent for corporation FCA, FIAT CHRYSLER
AUTOMOTIVES").
PRESIDENT/ OWNER JEFFERY K. BETZOLDT
MACLELLAN INTEGRATED SERCIVES INC,
Supervisor JIMMY GILMORE employee for (MACLELLAN) acting as agent for
the corporation.
Union representative JAMES STAUCH acting individually Officer
Behalf of Union. et, al

James Leach

4021 Calcutta Dr.
Rockford IL. 61109

(815-509-8401)

03/08/2023

Amended Complaint

FILED
MAR 08 2023
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Amended Complaint

1. Title VII of the Civil Rights Act of 1964
Regulations : 29 C.F.R. Part 1604.11

Section 1977 (42 U.S.C. 1981) to provide
for the recovery of compensatory and
Punitive Damages in case of Intentional
violations of Title VII.

Title VII, 29 C.F.R. Part 1604,
29 C.F.R. Part, 1605, 29 C.F.R. Part 1606

The Supreme Court's Decision in Vance v. Ball State University, 133 S. Ct. 2434 (2013)

A Employer is vicariously liable for
hostile work environment created by a
Supervisor.

Violation by IAW UAW union
representatives of The Article 6
membership Section d. [31] - [37]
of IAW UAW union Hand Book 4
which The Applicant must, at the time
of Application be an actual worker, in
and around the workplace All Applicants
for membership in any Local Union of
The International Union shall fill out
an official application provided by
the International Union, Answering
all Questions contained in such application
and sign a promise to abide by all
laws, rules, and regulations, and the
Constitution of the International Union
which is the Constitution of the United
Automobile, Aerospace and Agricultural
Implement workers of America, (UAW)
Breach of The IAW UAW Hand Book Article 39
says Do you hereby Pledge on your honor to Perform
The duties of your respective OFFICES as Be Quired
by the Constitution of this Union, to bear True
and Faithful allegiance to the International
Union, United Automobile, Aerospace and Agricultural
Implement Workers of Americ (UAW) to the best of your
ability and with complete good Faith to support, advance

and carry out all official Policies of the International Union and This Local Union.

UAW Union Local Representatives Failed to Perform the duties of The Union not To bring Reproach on the Union.

Violations

1. Rules violated and Breached
2. Regulation violated and Breached
3. Standards violated and Breached
4. Statutes violated, Civil Rights, Title VII
5. Hostile work environment
6. Fundamental Rights violated
7. Un Fair Labor Practices, grievance violated
8. 1268 union Hand Book violate and Breached
9. Preamble, Constitution of 1268 UAW HandBook violated and Breached.
10. FCA Fiat Chrysler . Hostile work environment
11. Violation of FCA Hostile and Discrimination
3-6 Policy
12. Violation and Breach Arbitration From Union
13. Violation to collective bargaining by 1268 Union.
14. Violated Right to have grievance filed
by the Union and Representative
15. Violation 14TH amendment Right Due Process.
16. Violation to UAW 1268 hand Book
to Negotiation by a union member Paying
Union Dues.

Amended Complaint

3-11-22

1. Breach of A Collective agreement
2. Union failure to file a grievance
3. failure to comply to union contract (labor union)
UAW.
4. Sexual Harassment title VII OF the Civil Rights
act of 1964 -
5. Rule 735 ILCS 5/2-1105 , on all counts so triable
6. Hostile work environment
7. Union Breach of Arbitrability clause
8. Equal Right Protection Right Clause (law)
9. Discrimination and Harassment PC A Policy
BCA VS LHC
- (number) 10 Policy 3-6
- 10 Right to Arbitration

FILED

MAR 11 2022

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Amencomplaint

3-18-22-

1. Asking The court to grant me compensation
for emotional Distress, Loss of enjoyment to
Life, emotional pain, Economic Damages,
Punitive Damages, mental stress and anguish,
Intentional Infliction of Emotion Distress
ASKING FOR 100,000 Hundred Thousand Dollars

James Heath

(1) Pro Se

"Claim of Action"

3-11-22

I James Leach is coming with concerns
of my Civil Right and Constitutional Right
was violated by 1268 Union UAW Reps
James Stavch, and Ricky Hicks we all
were contractors for FCA Chrysler Automobiles
3000 Chrysler Drive Belvidere IL, 61008, My
rights were violated Due to Breach of collective
agreement (Grievances) it was never done by
James Stavch union Rep chairman, and Ricky
Hick my UNION Reps I was sexually
Harassed by my Supervisor Jimmy Gilmore
("Individually in His official capacity and Individually
Out of Capacity Acting as a officer for the
Company"). Macelwain Integrated Services Inc.
Pursuant to Title VII of The Civil Rights Act

of 1964 Sexual Harassment claim I was hit

slap grape my butt cheeks by Jimmy

Gillmore in June of 2017 and from There

on till 2020 I was touched by him

went to James Stavch union chairman

Twice nothing was done and went to
Ricky his nothing done as Ricky (5X)

To file grievance and James to file a

grievance and the paint shop plant Manager

Brandon Russell to file grievance and

He stated Jimmy Gilmore was his friend

3-11-22

(2)

That he was not going to get involved That violates the FCA US LLC Policy; Policy Number 3-6 Subject Title Discrimination and Harrassment Prevention, Purpose: FCA US LLC is committed to providing a work place that is free of Discrimination and Harrassment. The Company expects that all persons in the work place will be treated with Dignity their rights respected and their Privacy maintained. IT is a policy of FCA US LLC.

Freedom From Harrassment - FCA US LLC does not tolerate harrassment of any kind in the work place that has the effect of, Interfering with a person's work performance or creating an intimidating, Hostile, or Offensive work environment, including Harrassment.

(I was not given right to an arbitration)
"work place" includes any FCA US LLC Facility as well as business setting such as company travel, meeting with customers, suppliers, and members of the public and business - related social events.

(3)

3-11-22

whether conduct constitutes harassment may depend on whether it is viewed as offensive by the individual who is the subject of the conduct. This means that an employee may violate this Policy without intending to harass. Examples of conduct that may constitute harassment include unwelcome physical conduct, touching; threats or intimidation.

3-11-23

(4)

1. ON June, 2017

Jimmy Gilmore who was my supervisor groped slapped my (butt) cheek on my eleven o'clock break as I was waiting for my Food to warm up I was leaving on the Table reading something.

2. ON August, 2017

I reported the incident to James Staunch Unit 13 chair person UAW Local 1268 (my Head Union Rep) sometime in August, 2017 and was told that he James Staunch would look into it and never got back to me about it so I could file grievance against Jimmy Gilmore. never did anything no grievance was filed.

3. ON January 25, 2018

Jimmy Gilmore slapped my back and patted it in O.M. office an office at Chrysler 3000 Dr. Belvidere, IL 61008 in the Paint Department on the 3rd Floor where Macellan has an office for our employees.

4. ON August 8, 2019

Eric Adams my witness saw Jimmy Gilmore pat me James Leach on the shoulder three times, and also saw Jimmy Gilmore pat me James Leach on back about 1:30 A.M. In the South Side Bus coat room running the spin jet I was the only one

he repeatedly touched.

On July 18, 2019

I was getting assignment from Jimmy Gilmore. They never had another way for me and him not to see each other I had to get assignment from Jimmy Gilmore at 8:20 pm after the shift started and he said in front of my co-workers that night (James Don't you touch shift and Yulander Cross, and others started laughing at me about it I felt embarrass and at that point he was continuously harassing me and also embarrassing me put me on Front Street, asked James Starch about filing a grievance again never did it.

on November 10, 2019

I informed Rick Hicks (Union Rep) for me at Macmillan he was under James Starch I reported that Jimmy Gilmore groped and also grabbed my left shoulder I asked Rick Hicks to file a grievance which he refused to do so stating that he couldn't believe that I didn't knock his ass out or let it happen to me.

(5)

3-11-23

3 In August, 2017

I Reported the Sexual Harassment Done by Jimmy Gilmore in the Beach Break area in the Paint Department to Brandon Russell The Paint Department Manager or something bigger and I told him about Jimmy and the Plant Policy #3-6 (number) Subject/title: Discrimination and Harassment prevention which was a Policy of FCA US LLC Purpose: FCA US LLC is committed to providing a workplace that is free of discrimination and harassment. The company expects that all persons in the workplace will be treated with dignity, rights respected and, their privacy maintained. Brandon Russell's respond to me James Beach was: Jimmy Gilmore is my friend and we are not going to get involved with that so I walk off and took a picture of the FCA US LLC Policy Lost my pictures.

(6)

5-11-22

On March 11, 2020 I James Leach
 and Ricky Hicks Union Rep For 1268 VAW
 got into an argument and he stated
 That he would make a nigga get on
 his knees and put my "44" pistol in
 his mouth and Blow his brains out other employe
 heard him stated that same fraze to me
 Every time he got mad about me asking
 him to file a grievance so I felt threatened
 and afraid and felt I was in an hostile work
 environment and nothing was being done by
 my Union Reps James Stavch and Ricky Hicks
 and my Head Boss Dean Bennett my union
 Rep James Stavch or Ricky Hicks never represented
 me in filing an grievance on my behalf
 so I could have had a meeting with the bargin
 collective clause policy which the 1268 Constitution
 and preamble states I have a Right to Life; Liberty
 and Pursuit to happiness, and have the Right to
 a grievance filed on my behalf as a union 1268 VAW
 member

(7)

3-11-23

On March 11, Th 2020

I was in the main booth of the Paint Department at Chrysler Drive 3000 Belvidere IL, 61008 all my coworkers were standing around talking we were in the main booth of the Paint Department and Jimmy Gilmore touched and groped grabbed my hands I was standing talking to Jordan Cross and when he grabbed my hands he said what's up you gentlemen I was once again the only person he touched I asked several times not to touch me at all please and he still continued to touch and grope my body parts, Keith the electrician was there, Tim Paige the electrician was standing there and Jordan cross was standing there and Jordan spoke up and said to Jimmy Gilmore (stop touching people) and that incident happen at 11:00pm in the clear coat area on the north side in the main booth.

On March 11, 2020

I informed Ricky Hicks (Union Rep For 1268 UAW) That Jimmy Gilmore touched me again asked Ricky To file a grievance which once again was Denied by my union Rep for 1268 UAW Ricky Hicks

(9)

"Hostile Environment"

3-1522

1. In which "unreasonably unwelcome sexual conduct" "unreasonably interferes" with an individual's job performance" or creates an "intimidating, hostile or offensive working environment." 29 C.F.R. §§ 1604.11(a) (2) and (3).
2. The Commission and the Courts have declared that sexual harassment violates Section 703 of Title VII. Meritor Savings Bank v. Vinson, 477 U.S. 57, 64, 40 EPD, 31, 159 (1986)

(9)

26-30

Article 6 membership

3-11-22

Section 2. (a) Any person eligible to become a member of the International Union who is not affiliated with any organization whose principles, and philosophy are contrary to those of this International Union as outlined in the Preamble of the Constitution, may apply for membership to the local Union having jurisdiction over the workplace in which s/he is employed.

UAW Preamble

b. That all men and women are created equal; That they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness; That to secure these rights, governments are instituted among men and women, deriving their just powers from the consent of the governed." Within the orderly processes of such government lies the hope of the worker in advancing society toward the ultimate goal of Social and Economic Justice.

Article 3 Constitution

Shall be the Supreme Law of the
International Union, United Automobile,
Aerospace and Agricultural Implement
Workers of America (UAW).

(b)

Article 4 Membership.

3-11-23

Section 2. [31] - [37]

The Applicant must, at the time of application,
be an actual worker in and around the workplace.

All applicants for membership in any local

Union of the International Union shall

fill out an official application provided by

The International Union, answering all

questions contained in such application,

and sign a promise to abide by all laws,
rules, and regulations, and the Constitution

of the International Union.

very important

(11) Constitution

OF the United Automobile, Aerospace
and Agricultural Implement workers of
America, UAW

37th Constitutional convention 2018
we UAW are Solidarity forever (ES. 1935)

Adopted at the 37th constitutional
convention June 2018

Article 19

Contracts and Negotiations

Section 1, Section 2 Section 3

They must abide by The accordance
with in the Constitution and By-Laws
of the Local union and in the Preamble
of this Constitution,

Article

The Union should have filed a
grievance against The employer
"Supervisor" against MC.

Q.

Violated my Due Process Right or Equal Protection of the law

Q.

Violated my Right have the Right To an bargaining + Arbitration up under the grievance act

Important

3. Collective-Bargaining agreement (CBA)

Labor Law - A Contract between an employer and a labor union relating employment conditions, wages, benefits, and grievances.

Abbr.

CBA - Also termed Labor agreement, labor contract, union contract, collective-labor agreement

Important

The Federal Labor Policy favoring arbitration is stated in § 203(d) of the Labor Management Relation Act, 29 U.S.C. § 173(d) requires that if the grievance is covered on its face by the contracts Arbitration clause, arbitration must be ordered.

The Agreement is to submit all grievances to arbitration, not merely those which the court will deem meritorious

(2) American Manufacturing and Warrior & GULF

United Steel Workers of America v.

American Manufacturing CO. 363 U.S.

569, 4 L. Ed. 2d 1403, 80 S. Ct.

1343 (1960) United Steel Workers of

America v. Warrior & GULF Navigation

CO. 363 U.S. 579, L. Ed. 2d 1409,

80 S. Ct. 1347 (1960)

(3)

Conley Standard-Rule : A Complaint
should not be dismissed for failure to
state a claim unless it appears beyond
doubt that a plaintiff can prove no
set of facts in support of his claim which
would entitle him to relief.

Very important

1.

Duty of Fair Representation

Unions have a duty to fairly represent members who are alleging a breach of the collective agreement; they cannot act without any rational reason or dishonesty. They cannot discriminate against a member on any grounds, including whether they like the person, when deciding what to do with a complaint.

Important

2.

Union has not fulfilled its Duty of Fair Representation

3.

No mediation services

4.

Was stripped of rights to sign a Employee-Union disputes

5.

Stripped of rights to arbitration

6.

Breach of a collective agreement

1. Tort - was filed Jan, 10, 2022

2. Tort Law it is a tort which may include Physical or Mental harm.

3. Tortious Act it can cause Emotional Distress

4. Intentional infliction of Emotional Distress
is a common law tort that allows individuals to recover for severe emotional distress caused by another individual who intentionally or recklessly inflicted emotional distress by behaving in an "extreme and outrageous" way.

Elements

A. The defendant must act intentionally or recklessly

B. The defendant's conduct must be extreme and outrageous,

C. The conduct must be the cause (and)

D. Of Severe emotional Distress.

3-11-(YEA)2023

~~Very brief scope of a collective agreement~~

Very important

↓ Breach of a collective agreement

Grievances.

1. Collective agreements vary from workplace to workplace. There are different ways

that work place sexual harassment can be a breach of a collective agreement if breached the union can file a grievance.

Generally only a union can file a grievance.

- 1. prohibits workplace sexual harassment
- 2. Requires the employer to protect the health and safety of employees
- 3. Prohibits discrimination
- 4. includes a policy about sexual harassment and this policy is not followed.

Grievances can also be based on an employer breaking laws such as human right laws

A grievance could be based on an employer's failure to provide a sexual harassment-free workplace.

Jones V. IWA, Local NO. F-3567
(British Columbia Supreme Court)

3:22-cv-50004

1.

Amend Complaints

1. [T]he Equal Protection Principle is exclusively associated with written Constitutions and embodies guarantees of equal treatment normally applied not only to the procedural enforcement of laws but also to the substantive content of their provisions.
2. EQUAL Protection. (1866) The 14th Amendment guarantee that the government must treat a person or class of persons the same as it treats other persons or classes in like circumstances.

3.

Intentional Torts against the Person

The Law Protects a person from unauthorized Touching, restraint, or other contact.

In addition, the Law protects a person's reputation and privacy. Violations of these rights are actionable as Torts.

4.

EQUITY (14C) 1. Fairness, impartiality, evenhanded dealing <the company's policies require managers to use equity in dealing with subordinate employees>. 2. The body of principles constituting what is fair and right.

2.

1. You may be able to sue your union for lack of representation if it's choice to stop pursuing your grievance was made in bad faith or in an arbitrary or discriminatory way.

2. Individual Grievance - when an individual

employee grieves against a management action
like Demotion based on bias, non payment
of salary, Work Place Harassment.

3. Unfair Labor Practices by the Union

1. An unfair labor practice is an action by an employer or a union that violates the National Labor Relations Act (NLRA). Examples of prohibited conduct by a union include, restraining or coercing the employer or employee's in exercising the rights provided by the NLRA.

4. Bullying and Harassment

1. Any type of behavior that makes you feel intimidated or offended could be construed as harassment, and is unlawful under the Equality Act 2010.

2. There are many forms of unfair treatment or harassment, ... those include treating you unfairly.

3.

"Intentional Infliction of Emotional Distress", or The tort of outrage.

b. An indignity, an annoyance, rough language, repeated annoyances or harassment coupled with Threats are considered "outrageous"

2. The Courts have held that Shame, humiliation, embarrassment, anger, fear, and worry constitute severe mental Distress.

3. One of the Purposes of the Union is "to establish Justice" and Precision in the whole matter of exercise of Judicial Power is essential. Francis Newton Thorpe, The Essentials of American Constitutional Law § 101, at 118-19 (1917).

4. EQUAL Justice Under the Law

i. The Principle that all Persons should be treated the same by The Judicial System. Also termed EQUAL Justice before the Law.

1. I was a 1268 UAW member Paying Dues at time of Breach and violation of my Constitutional Rights violated.
2. Violation of 1268 UAW Union Hand Book The Preamble and Constitution Life, Liberty, Pursuit of Happiness which is part of Hand Book.
3. 1268 UAW hand Book Article 3 Constitution states that it shall be the Supreme Law of The International Union, United Automobile Aerospace and Agricultural Implement Workers of America (UAW)
4. Breach of FCA # 3-6 Discrimination / Harassment Policy.
5. Fundamental Rights violated, 14th amendment violated of Due Process.
6. Tort because There was a contract Breach I was A UNION member paying Dues.

1. 1268 UAW UNION VIOLATION OF NO grievance FILE under CBA agreement,
2. UnFair Representation by 1268 UAW representative, Poor
3. VIOLATION TO ENJOYMENT by UAW Hand Book.
4. VIOLATION AND BREACH OF UAW 1268 UNION Hand Book Policy to Arbitration, collective Bargaining and Negotiation to a CBA with FCA Management
5. VIOLATION BY UAW 1268 UNION FOR NO Negotiation, no Bargaining, and no grievance Filed by UNION Representation which is Part of 1268 UAW UNION Hand Book Policy.
6. Rules, Standards, Regulations, of 1268 UAW Policy violated.

13. (Breach and violated) Paint Department Production Manager Brandon Russell violated and Breached FCA #3-6 Discrimination/Harassment by not Filing grievance on my behalf against Maclellan Supervisor Jimmy Gilmore For Sexual Harassment under the 1268 UAW union agreement with FCA management under the CBA contract agreement in the 1268 UAW Union Hand Book.
14. Violation of my 5 Th Amendment Rights Due Process, Equal Protection of the Law, The 14 Th amendment rights violated of Due Process.
15. Duty of Fair Representation Unions have a duty to Fairly represent member who are alleging a Breach of the collective agreement, They cannot act with out any rational reason or Dishonesty. They cannot Discriminate against a member on any grounds, Including whether They Like The Person, when deciding what to do with a complaint.

Grievances can also be based on an employer breaking laws such as human right laws.

A grievance could be based on an employer's failure to provide a sexual harassment-free workplace.

Jones v. IWA, Local no. F-3567
(British Columbia Supreme Court)

1.

The Supreme Court: Found that an employer is absolutely liable for sexual harassment committed by a supervisory employee regardless of whether the employer actually knew or reasonably could have known of the misconduct or would have disapproved of and stopped the misconduct, or would have disapproved of and stopped the misconduct if aware of it.

- Hostile environment *Vinson v. Taylor*
753 F. 2d 141, 36 EPD. 34, 949

Sexual Harassment

1. Violation of Section 703(a)(1) of Title VII 42 U.S.C § 2000e-2(a)
2. Violation 29 C.F.R. 1604.11(a) The two types of sexual harassment "Quid Pro Quo" and hostile environment the Guidelines provides that "Unwelcome" sexual conduct constitutes sexual harassment when submission to such conduct is made explicity or implicitly a term or condition of an individual's employment 29 C.F.R. 1604.11(a)(1)

2.

Quid Pro Quo harassment occurs when submission to rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
"29 C.F.R. 1604.11(a)(2)(i). 29 C.F.R. 1604.11(a)

The Supreme Court's decision in Vinson established that both types of Sexual Harassment are actionable under Section 703 of title VII of the Civil Rights Act of 1964 42 U.S.C. 2000e-2(a) as a form of Sex Discrimination.

- Courts have held that unwelcome sexual conduct verbally or physically is sexual harassment which interfere with a person work performance and creates an intimidating, work environment and a hostile and offensive work environment.
- An employer is always responsible for harassment by a supervisor that culminated in a tangible employment action. Even if the harassment did not lead to tangible employment actions the employer is still liable for the supervisor actions.

3.

Sexually hostile work Environment
Title VII of the 1964 civil rights act
covers all private employer's state and
Local government, it also covers Private
and Public employment agencies, Labor
organizations, Joint Labor management,
Committee's.

1. Breach of 1268 union contract
2. Breach of Preamble of The 1268 union
3. Union Representatives never file grievance after ask numerous of times (breach of contract For 1268 union Hand Book)
4. I was a paying union dues each month that asking for grievance to be filed
5. Unfair Labor Practice when paying union dues and not given chance to file one.
6. Violated my 5th and 14th amendment of Due Process of the Law, Equal Protection clause of the Law violated
7. Any Thing that fall under my Constitutional right and Civil Rights And is a amine constitutional law or amendment violate my right because I not give the same rights as a woman or man
8. Title VII Sexual Harassment of Civil Right Act 1964 violated, Hostal work environment

By The Union Representatives
acting on the behalf of the
Union not following The Hand Book
of 1268 which state that the
Union and Representatives has to
follow the Laws that represent the
Life, Liberty and Pursuit of Happiness
of The worker and Preamble of
The 1268 union . They Sworn To
abide by the 1268 Union Hand Book
and abide by the Laws of the
Union and I SUFFERED because
I was harassed by my supervisor
over on different times sexually
Touching me and co-workers
Laughing and making fun of me I
felt very Humiliated From That
and had to keep working around my
harasser after I told The Union
representative Ricky Hick and
James Staunch and James was the
Chairman neither filed a grievance
after I asked both repeatedly to
file and I asked Brandon Russell
The FCA Paint shop manager of Production
To file a grievance against my supervisor

because he was over the Paint Department were all of the Sexual Harassment was being done and He had the Right under the FCA LLC Policy # 3-6 Discrimination and Harassment Policy and I can get the touching out of my mind had to get professional Help From a counselor From Aspen Counseling & Consulting LLC seeing Therapist (Clare Best) Talking about the Harassment, The Threats, and Touching of Supervisor and Right being violated by union Representation and FCA Management

very important

1. Duty of Fair Representation

Unions have a duty to fairly represent members who are alleging a breach of the collective agreement; they cannot act without any rational reason or dishonesty. They cannot discriminate against a member on any grounds, including whether they like the person, when deciding what to do with a complaint.

important

2. Union has not fulfilled its Duty of Fair representation

3. No mediation services

4. Was stripped of rights to sign a Employee-Union Disputes

5. Stripped of Rights to Arbitration

6. Breach of a collective agreement

i.

In cases involving malice or reckless indifference to federally protected Rights, The aggrieved Party can recover compensatory and Punitive Damages. The Statute caps The amounts that are recoverable on the basis of the size of the employer. (1) 15 to 100 employees, \$ 50,000, (2) 101 to 200 employees, \$ 100,000, (3) 201 to 500 employee's, \$ 200,000, (4) more than 500 employees, \$ 300,000.

Suit in Equity (17c) - A civil suit stating an equitable claim and asking for an exclusively equitable Remedy.

Act in the Law (1829) - an act that is intended to create, transfer, or extinguish a right and that is effective in law for that purpose; The exercise of a legal power - Juristic Act, act of The Party, Legal Act.

Contract "A Contract is a promise, or a set of promises, for breach of which the Law gives a remedy, or the performance of which the Law in some way recognizes as a duty. Usually, the reference is to the agreement; the writing being merely a memorial of the agreement."

John D. Calamari & Joseph M. Perillo,

The Law of Contracts § 1.1, at 3 (4th ed. 1998).

A contract is an agreement in which a party undertakes to do, or not to do, a particular thing" Sturges v. Crownin-Shield, 17 U.S. (4 Wheat) 122, 143 (1819)

Contract, (4c) An agreement between two or more parties creating obligations that are enforceable or otherwise recognizable at law < a binding contract>, 2. The writing that sets forth such an agreement < a contract is valid if valid under the law of the residence of the party wishing to enforce the contracts>.

Remedy (13c) 1. The means of enforcing a right or preventing or redressing a wrong; Legal or equitable relief - Also termed Civil Remedy.

2. Remedial action. 3. A right by which an aggrieved party may seek relief without resort to a tribunal. Cf. Relief (3) also termed (in Senses 1 & 2) Law of Remedy.

"A remedy is anything a court can do for a litigant who has been wronged or is about to be wronged. The two most common remedies are Judgements that plaintiffs are entitled to collect sums of money from defendants (damages) and orders to defendants to refrain from their wrongful conduct or to undo its consequences (injunctions). The courts decides whether the litigant has been wronged under the substantive law that governs primary rights and duties; it conducts its inquiry in accordance with the procedural law. The law of remedies falls somewhere in between procedure and primary substantive rights. Remedies are substantive, but they are distinct from the rest of the substantive law, and sometimes their details blur into procedure. For long periods in our past, remedies were casually equated with procedure.

"Douglas Laycock, Modern American Remedies
1 (4th ed. 2010).

Legal Remedy (17c) A remedy historically available in a court of law, as distinguished from a remedy historically available only in equity • After the merger of law and equity, this distinction remained relevant in some ways, such as in determining the right to jury trial and the choice between alternate remedies.

Substantive Law (18c) The part of the law that creates, defines, and regulates the rights, duties, and powers of parties
Cf. Procedural Law.

"So far as the administration of Justice is concerned with the application of Remedies to violated rights, we may say that the substantive law defines the remedy and the right; while the law of procedure defines the modes and conditions of the application of the one to the other." John Salmond, Jurisprudence 476 (Glanville L. Williams Ed., 10th Ed. 1947)

Right to Rescind (18c) The remedy accorded to a party to a contract when the other party breaches a duty that arises independently of the contract. The right to rescind is contrasted with a right of termination, which arises when the other party breaches a duty that arises under the contract.
Also termed Right of rescission.

A Civil or Criminal Judicial Proceeding.

1. An Action has been defined to be an ordinary proceeding in a court of Justice, by which one party prosecutes another party for the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offend^s. But in some sense this definition is equally applicable to special proceeding. More accurately, IT IS

Bullying and Harassment

1. Any type of behaviour that makes you feel intimidated or offended could be construed as harassment, and is unlawful under the Equality Act 2010.

There are many forms of unfair treatment or harassment, and these include: spreading malicious rumours about you,
Treating you unfairly

Q. What to do when your union is not helping you?

1. IF you are still notable to get complete relief of your grievance reinstated, you can file a Claim with the nearest office of the national Labor Relations Board (NLRB) or in Federal District Court.

Q. You might be able to take your trade union to court, e.g. for breach of contract if it breaks its own rules.

2. You may be able to sue your union for Lack of Representation if its choice to stop pursuing your grievance was made in bad faith or in an arbitrary or Discriminatory way.

Very important what happens when a union files a grievance?

1. Unresolved grievances may go to higher levels of company management and higher-level union representatives to settle the matter. If it still cannot be resolved, the matter usually goes to mediation or arbitration.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative.

(3) Types of grievances:

1. Individual Grievances - when an individual employee groups against a management action like demotion based on bias, non-payment of salary, workplace Harassment
2. Group Grievances
3. Union Grievances

(1)

1. was not given Right to file an grievence against my employer by my UAW union 1268 Reps Ricky Hicks James Stauch
2. violated my 1268 union UAW contract, ^{union} Lack of Representation of the Preamble, Constitution, Arbitration ^{Collective bargaining}
3. Violation of my Religious belief not being able To file grievence on it.
4. breach of FCA Policy's
5. breach of 1268 UAW union Contract Preamble and Constitution of Life, Liberty and Pursuit of happiness, and enjoyment
6. Asking For Court to award me or compensate me 1.5 million dollars For Hostile work environment, Sexual Harassment, Punitive Damages, Emotional Distress, Intimidation, Damages

This is
very
important

7. What is Unfair Labor Practices by the Union?

1. An Unfair Labor practice is an action by an Employer or a union that violates the National Labor Relations Act (NLRA).

Examples of Prohibited Conduct by a union include:
Restraining or coercing the employer or employees in exercising the Rights provided by the (NLRA)

3:22-cv-500

19. Duty of Fair Representation

- i. Unions have a duty to fairly represent members who are alleging a breach of the collective agreement, they cannot act without any rational reason or dishonesty.
They can not discriminate against a member on any grounds, including whether they like the person, when deciding what to do with a complaint.

3:22-cv-50004

12. Rule, Standards, Regulations, 1268 UAW Policy violated
13. Fundamental Rights, 14 Th amendment OF Due Process violated
14. Breach of 1268 UAW Policy to Arbitration, Collective bargaining, grievances filed
15. Violation of 5 Th Amendment Due Process, Equal Protection of the Law the 14 Th amendment;
16. Breach of FCA #3-6 Policy Discrimination/ Harassment
17. (Breach and Violated) Paint Department Production manager Brandon Russell violate and Breached FCA #3-6 Discrimination/Harassment not filing grievance on my behalf against Macellar supervisor Jimmy Gilmore
18. Tort - Showing there was a contract when Violation accord or Breached
 - i. The Four Elements of a tort
 - A. The accused had a Duty
 - B. The Accused committed a Breach of That Duty.

Amended Complaint

1. Due to A Hostile work environment I have had mental breakdown Because my supervisor Jimmy Gilmore keep touching me after I keep telling him I did not want him to touch me it's against my religious belief of man with man kind King James version Holy Bible (Leviticus 20:13)
IF a man also lie with mankind as he lieth with a woman both of them have committed an abomination, They Shall surely be put to death, it has made me have a nervous break down at work every time I work with and around Jimmy Gilmore he violated my Religious Beliefs, and Discriminated against my Rights of a Hostile work environment, and Title VII Sexual Harassment of Civil Rights Act of 1964 and my Union Rep's Breached my UAW 1248 Preamble, and Constitution Right of Life, Liberty & Pursuit of Happiness, and Enjoyment Contract.
I have been having to get counseling from Aspen Counseling Clair Best has been helping me cope with the mental Break down my union Rep Rick Hick has had me afraid for my life and Intimidated by him yelling at me stating he would

2.

make a nigga get on his Knee's and
Put his "44" gun in his mouth and
Pull the trigger and blow a nigga brain
out stating it to me James Leach every
time I asked him about a grievance
wrote on my behalf he would get
very upset and he would start yelling
That he do what he want's the Union
don't run him and every person that
went up against him lost and They
lost their Job and he start calling me
Fat Boy all the time Disrespecting me
in front of FCA Chrysler workers and
Mackellen workers and calling motherfucker
In front of all of the people on our
Lunch break and Telling them How I worked
My performance was slow and that he
could do my Job better and faster but
I was having anxiety attacks from the
Harassment and being afraid for my job
because of the verbal threats and working
with the person that keep touching me
groping my neck, shoulders and touch
rubbing my back everytime he got a
chance giving me was I Homophobic
and why don't I like him Touching me

3.

4

Chrysler Drive Belvidere Illinois 61008
FCA Fiat Chrysler Automotives Paint
Shop lunch room on my 11pm break
waiting for my food to heat up in the
microwave there was Maclellan employees
and FCA Fiat Chrysler worker's in there
too on some of them break, I told
Jimmy Don't he put his hand's on
me again and I reported it to James
Staunch and Ricky Hicks and Brandon
Russell the paint department manager
of production ask all them to file
a grievance against Jimmy on my behalf
because it violates my religious beliefs and
it's Disrespectful and Brandon Russell said
Jimmy is my friend and we are not going
to get in that and Ricky Hicks said you
should have knocked him out or just
Give quit, and James Staunch said James
you know Jimmy been around here for
years as a supervisor he do what he
wants every night while I worked we
all had to do our stretching in the
(C. Rib) and Place in the Paint Shop were
we go our supplies and we did our nightly
for job assignment in there Jimmy

51

Would get be hind me looking a me stretch and would say Look at that Big Sexy as nigga James with his cool (955) and would come behind me and grape grab my shoulders and neck area and I would tell him to keep his hand's off me and he would say all the time James you must be Homophobic because you get mad every time I touch you and I would say no I don't believe in a man touching another man in any way it's in my bible, and he Jimmy would say yes your bible and would still continue at different times touch me back.

I asked James Stach, and he said why

Bar Area: 400 m², Alt.: 300 m, Wind: 10 m/s, Rain: 100 mm/h

6. The following table summarizes the results of the study. The first column lists the variables, the second column lists the descriptive statistics, and the third column lists the regression coefficients.

For more information about the study, contact Dr. Michael J. Krieger at (410) 328-3299 or email him at krieger@jhu.edu.

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DATA FROM THE 1970 CENSUS OF THE UNITED STATES

6.

So I ASKING Please For the Courts
to award me 1.5 million Dollars
because of the fail UN Fair Labor
Practice by my 1868 UAW UNION
Rep's and my Constitutional Rights,
and Civil Rights, mental stress,
anguish, and my contract of the
Union violated and breach of the
UAW 1868 Preamble, and Constitution
and my 5 Th Amendment Right of
Due Process and My Amendment

Who has the burden of proof in a Harassment Case?

1. If the Court thinks you've shown enough facts to meet the basic legal test, it will conclude you've been discriminated against unless the defendant can provide a good enough explanation for your treatment. The burden of proof is said to shift to the defendant.

Sexual Harassment in The work Place.

1. Physical Harassment is Sexual Harassment which is unwelcome Touching.
2. By the Jokes From co-workers about The supervisor touching me made it intentionally hostile and abusive in nature.
3. The Harassment mentally Damaged me From the constant Touching had to seek counseling.
4. The Harassment which was persistent and Deliberate course was of unreasonable and oppressive conduct , Targeted at another person, which is calculated to and does cause that person alarm and Fear and Distress.
5. Loss of Quality of Life
 1. The impact of the Damage on the Person's Daily life, Feeling of Happiness, mental and emotional health, comfort, and

- Sexual Harassment in the work place.
7. ASKING the Court for \$300,000
For back Pay, Front Pay, compensatory
Damages, and \$ 300,000 Thousand in
Punitive Damages which is Federal
Law.

Prohibited

1. Sexual Harassment Prohibited Conduct
Title VII OF the Civil Rights Act OF 1964
2. To Grope , To make Sexual advances by
Touching a person
3. Harassment Law Prohibits Severe and
Pervasive harassment that alters the
conditions of the workplace or class Room.
4. Under the First amendment Title VII
workplace Law Liability .
5. other Forms of Sexual Harassment conduct,
such as remarks , Touching , Intimidation ,
Posting Pin ups , and verbal or physical
conduct of a Sexual nature , constitute
Sexual Harassment and violate Title VII
That occurs on the Job , Insult
6. Perversion From any various Sexual acts or
Practices deviating From what is considered
normal , sexual Deviation From managers ,
Supervisor , employee's

Prohibited

7. Statement of Prohibited Conduct

1. The management of Company considers the following conduct to illustrates some of the conduct that violates company's Sexual Harassment Policies: any physical assaults of a sexual nature, such as groping, intentional physical conduct that is sexual in nature. Touching, Pinching, Patting, Smacking, grabbing, brushing against, another employee's body or Poking another employee's body, (anywhere) in company workplace by Company employee's constitute and violates Title VII that occurs on the job by managers, supervisors and employee's.

ASKING FOR JUDICIAL RELIEF
FOR A PRELIMINARY INJUNCTION
RELIEF SO I CAN ASK THE COURTS FOR A
JURY TRIAL UNDER THE 7TH AMENDMENT
BECAUSE OF THE BREACH OF CONTRACT
BY THE 1268 UNION REPRESENTATIVES NOT
FILING A GRIEVANCE ON MY BEHALF OF
SEXUAL HARASSMENT THAT'S VIOLATION OF
A CONTRACTUAL OBLIGATION BY THEM
FAILING TO PERFORM ONE'S OWN PROMISE
WHICH IS THE 1268 UAW PREAMBLE, AND
CONSTITUTION AND BY THE REPRESENTATIVES
NOT FILING INTERFERING WITH ANOTHER PARTY'S
PERFORMANCE WHICH IS THE 1268 UAW
HANDBOOK BY-LAWS AND IS A BREACH
OF FIDUCIARY DUTIES ON MY BEHALF AS
A 1268 UAW MEMBER PAYING UNION
DUES AND WAS CURRENT AT THE TIME
SEXUALLY HARASSED AND WAS ON THE JOB
WORKING MY NORMAL HOURS.

IT IS UNFAIR LABOR PRACTICES IF A UNION
DOES NOT GIVE ME THE RIGHT TO AN GRIEVANCE
SO I CAN FIRST EXHAUST THE GRIEVANCE
PROCEDURES AS A UNION MEMBER THAT'S
A VIOLATION OF MY CONSTITUTIONAL
RIGHTS OF THE 14TH AMENDMENT AND VIOLATE
MY RIGHT TO ARBITRATION

I should have under my union
and Labor right to a mandatory
arbitration clause ~~laca, 386 U.S.~~
~~et al~~ so that make the union
at fault for violating its duty of
Fair representation by refusing to
arbitrate

I would like to seek judicial enforcement
contractual rights.

ASKING FOR GRIEVANCE ARBITRATION
AND RIGHTS ARBITRATION

Should have had been able to go
by Grievance Procedure which was violated

Should have followed grievance Procedure
To lead to collective bargaining agreement
and then given opportunity to have
grievance arbitration

Macellan Integrated Services Inc.

Employee Handbook - 5th Edition

#6. Disrespectful or Discourteous conduct toward customers
Supervisors, managers or fellow employees

11. Harassment of fellow employees, supervisors
managers or customers in violation of our
policy. This includes, but is not limited to
racial and sexual harassment.

Respect For People

1. Employees should also never be subjected to
bullying or threatening humiliating or intimidating
behavior from other employees.

Sexual advances, requests for sexual favors
or other verbal or physical conduct of a
racial or sexual nature in the work place
also are prohibited.

Such conduct may create a hostile or offensive
working environment, and Macellan will not tolerate
it.

Hostile work environment

1. This refers to situations in which an employee is exposed to offensive sexual unwelcome sexual Touching or contact
 2. To be considered Sexual Harassment, the offender offending behavior generally must be repeated, or part of an ongoing pattern, different time touching the victim
- * 3. very important
- * 3. You can sue your employer under the Theory of Invasion of Privacy

MacLellan

WORKPLACE ANTI-VIOLENCE POLICY

I. Statement of MacLellan Policy

All members of MacLellan Integrated Services are entitled to perform their work, regardless of location, free from violence or threats of violence. MacLellan will not tolerate violence or threats of violence by any employee against other persons on MacLellan premises or while on MacLellan business. Any employee who violates this prohibition shall face corrective action up to and including immediate termination of employment. Where appropriate this can include referring the matter to appropriate legal authorities for prosecution.

II. Application

This policy applies to all personnel, including temporary personnel at all locations in which MacLellan Integrated Services conducts business.

III. Scope

Workplace violence is any act, verbal or physical, against any employee or customer that takes place on a MacLellan site and includes, but is not limited to:

- Physical acts against any person, or
- Verbal threats or vicious statements that are meant to do harm or cause a hostile work environment, or
- Written threats, notes or other written conduct of such a malicious nature that it is meant to threaten or create a hostile environment, or
- Visual actions that are threatening or intended to convey a threat of injury, hostility or intimidation of another person.

IV. Reporting

- Any violence or threat of violence must be reported immediately to management.
- Any employee who has been granted a restraining order against another person, or who has had a restraining order granted against them must also immediately self-report to management.

V. Effect of Reprisal

Any employee who takes any reprisal, regardless the magnitude of the reprisal, against a person who reports any threat, or act, of workplace violence shall be subject to immediate discipline up to and including immediate termination.

1. Violation to 1268 UAW Hand Book of the Preamble, Constitution
2. Violation of UNFair Labor representation
3. violation of my 5 Th and 14 Th Amendment Right of Due Process and EQUAL Protection of the Law, under the 14 Th and 5 Th amendment
4. Violation by 1268 UAW Union Representatives Rickey Hicks and chair person unit 13 James Stauch
5. Breach of 1268 UAW HandBook Contract to CBA, and negotiations ,
6. Violation By Paint Department Manager For FCA Brandon Russell . Breach of The FCA US LLC Policy #3-6 Subject / Title Discrimination and Harassment prevention.
7. VIOLATION Came From (FCA) Fiat Chrysler Automotives 3000 Chrysler Drive Belvidere IL 61008 .

1. Both union Rep's were employee.
1. UnFair Labor Practices if union does not file grievance while union member paying Union DUPS.
2. it is unFair Labor Practice to refuse to bargain collectively with union members
3. 1268 UAW members or representative all have to abide by the 1268 UAW hand Book, Preamble, and Constitution of the 1268 UAW hand Book
4. Representative had to sign and Abide by The 1268 hand Book OF the Preamble and Constitution and by-Laws of The Hand Book which states Life, Liberty and Pursuit of Happiness before becoming UNION representative
5. The collective agreement is in writing and contains a provision that the parties intend for it to be Legally enforceable by the Representatives and union they have to sign it before becoming a union representative

FCA US LLC POLICY

Policy Number 3-6

Subject/title discrimination and harassment prevention

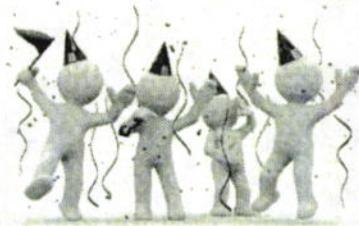
Purpose: FCA US LLC is committed to providing a workplace that is free of discrimination and harassment. Company expects that all persons in the workplace will be treated with dignity, their rights respected and privacy maintained.

Freedom from discrimination- FCA US LLC's policy is to provide equal employment opportunity without regard to race, color, sex, sexual orientation, gender identity, transgender status, age, protected veteran law. As part of this Policy. FCA US LLC will make good faith efforts to provide, when necessary, a reasonable accommodation for an individual's sincerely held religious belief and to qualified individuals with a disability, unless such accommodation would create an undue hardship or is contrary to the Company's commitment to discrimination and harassment. This applies to all aspects of employment, including hiring, job assignment, training, career development, promotion and compensation.

"Workplace" includes any FCA US LLC Facility as well as business setting such as company travel, customers, suppliers, and members of the public and business related social events.



Welcome to the MacLellan Team!



It is my pleasure to welcome you to MacLellan!

You have been chosen to become a member of one of the finest teams in the industrial services industry! As part of our team, you will receive training that will provide you with the knowledge & experience you will need to grow within your position and the company. MacLellan is committed to providing our customers with the **Best People, Best Systems and Best Results**, and you are the key to our success!

First and foremost among those qualities that define our success is the focus and attention each of us gives to our personal safety and the safety of our fellow team members. It is our belief that there is no task or assignment in our business that is so important that it justifies putting the safety and well-being of a team member at risk. So, as a member of our team we ask you to always be diligent about safety and never proceed with an assignment if you have any concern whatsoever that the proper safety requirements have not been met.

This handbook is designed to familiarize you with our company history and business philosophy, our organizational environment, compensation and benefit programs, and certain workplace rules and guidelines. You will find this guide an invaluable reference throughout your employment, and it is important that you read and become familiar with its contents.

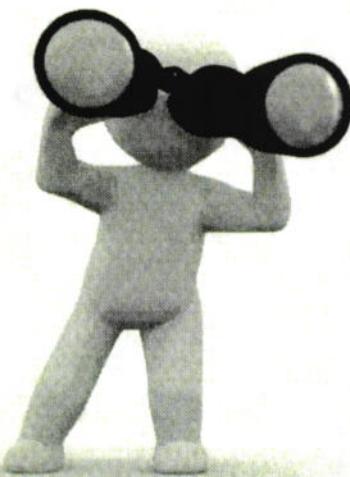
Once again, I welcome you to the MacLellan Team!

Sincerely,

Jeff Betzoldt
President

EMPLOYEE HANDBOOK - 8TH EDITION

COMPANY OVERVIEW



EMPLOYEE HANDBOOK - 5TH EDITION

we make them our own. We bring proven cost saving methodology and innovative strategies designed to find efficiencies to our customers.

Environmental, Health and Safety (EHS) Policy

MacLellan is committed to conducting all business activities in a manner that minimizes the risk of harm to people, property and the environment. Therefore, it is our policy:

- To protect human health & safety and the environment first, no matter how urgent the job, or task.
- To create a culture where all levels of team members and management are committed to and personally involved with safety & health.
- To actively engage employees in the review, upkeep and continual improvement of processes which have a potential effect on EHS.
- To insure that all employees are trained on, understand, and accountable for compliance with all regulations, requirements, and procedures relating to their safety & health and job performance.
- To meet or exceed all EHS requirements as established by our customers, by law, or regulatory agencies. To minimize our environmental impact through recycling, resource conservation and waste stream minimization.

Quality Policy

We will deliver the critical standard of service necessary to maximize efficiency and competitive advantage for both our business partners and MacLellan team members by continuously improving our management systems, technical skills, and leadership qualities.

We take pride in the fact that the biggest distinguishing factor between MacLellan and our competition is the quality standard of our work and our ability to drive waste and cost out of the tasks that we perform. Therefore, by sustaining our careful attention to detail and continuous improvement of our processes, we can be assured that our customers will continue to receive the same excellent level of service they have come to expect from MacLellan.

We have developed quality control systems and cost reduction practices for use across all of our operations. The effectiveness of these programs relies on every employee sharing his/her ideas on how to improve the day-to-day functions and processes we use to complete our work. If you think you have a better way of doing one of your job functions or if you have an idea on how to improve a process, please share that idea with your supervisor or manager.

The Intent of this Handbook

This handbook is intended to provide a brief explanation of MacLellan's policies, while going into detail on a few. If you are interested in viewing other MacLellan policies in full, please notify your manager. This Handbook does not create a contractual agreement or guarantee of continued employment between the employee and MacLellan. This edition of the employee handbook supersedes all previous handbooks and memos that may have been issued on subjects covered in the handbook. Since our business and our organization are subject to change, we reserve the right to interpret, change, suspend, cancel, or dispute all or any part of our policies, procedures, and benefits at any time, without notice. Changes will be communicated to all employees when they are made and effective dates will be determined by the Company.

EMPLOYEE HANDBOOK - 6TH EDITION

OUR ENVIRONMENT



EMPLOYEE HANDBOOK - 5TH EDITION

Employees are prohibited from speaking with any customers or vendors about any personnel issues at MacLellan, and doing so may result in discipline, up to and including termination.

Hiring and Promotion from Within

MacLellan strives to fill every open position with the most qualified candidates. Current employees who are qualified and interested in an open position will be considered.

Once a position has been posted, in order to be considered you must inform your immediate supervisor or manager that you are interested in the position, and you also must indicate your interest online through our website at www.maclellanlive.com.. The manager will then discuss your career interests with you and make a recommendation to the hiring manager. To be considered for a promotion or transfer, you must have a proven record of accomplishment with MacLellan and have the approval of your supervisor and manager.

Confidentiality of Company Information

As an employee with MacLellan, you are exposed to information about MacLellan and its customers that is considered confidential and must not be communicated to anyone outside of the company. Confidential information is information of any type and in any format, positive or negative, that is not generally known outside the organization and which is of value to our Company and customers.

Salaried employees are required to sign an Employee Non-Compete Confidentiality Agreement. The Agreement is in effect throughout your employment with the Company and for eighteen (18) months following the termination of your employment, for whatever reason.

Electronic Resources

MacLellan provides various electronic resources to assist its employees in completing their jobs. Employees have the responsibility to use these resources in a lawful, ethical and professional manner. These resources include but are not limited to the use of the internet and MacLellan internet/web based applications. Such applications include but are not limited to Lotus Notes, Citrix, and the MacLellan intranet (currently located at address www.maclellanlive.net). Before being allowed to use these resources you will need to sign the MacLellan Internet and Electronic Mail Usage policy.

The use of the internet for personal reasons during work hours is prohibited. However, MacLellan permits employees to use the internet for personal reasons during non-work hours or lunch-breaks.

All email, messages, other communications, and internet history sent, received or stored on a MacLellan computer or other electronic device are company property and may be accessed or reviewed by MacLellan management without notice or your consent. You should have no expectation of privacy for any messages or content sent or received on a MacLellan computer or other electronic device. Whether during work hours, or whether for personal or business reasons, certain use of MacLellan computers and other electronic devices is never appropriate and may result in discipline up to and including termination. Inappropriate usage includes, but is not limited to:

- Using derogatory, discriminatory or inflammatory language concerning any individual or group's race, sex, religion, national origin, age, disability, physical attributes, sexual preference or identity.

EMPLOYEE HANDBOOK - 5TH EDITION

Employment of Family Members

MacLellan is committed to a practice of employment and advancement based upon qualifications and merit and does not discriminate in favor of or in opposition to the employment of family members.

Due to the potential for perceived or actual conflicts, such as favoritism or personal issues, relatives of persons currently employed by MacLellan may be hired only if: (1) they meet the skills and experience requirements of the open position, and (2) successfully pass the standard interview screening process, background check and drug screen. A relative cannot be employed in a position working directly for or directly supervising a relative and must be at least two positions removed if they work within the same chain of command. They must not initiate or participate in decisions involving a direct benefit to the relative. Such decisions include but are not limited to hiring, retention, transfer, promotion, wages, benefits, and leave requests.

Exceptions to this policy must be approved in writing by the company President.

A family member is defined as one of the following: relationship by blood - parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin; relationships by marriage – husband, wife (as defined by state law), step - parent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above and cohabitating couples/significant others.

If any employee, after employment enters into a spouse or domestic partner relationship, and either individual supervises or has a direct line of authority over the other, one individual must seek a transfer or change in the reporting relationship. Such changes must be approved by Human Resources. If a decision can't be made between the affected employees within 14 days, reassignment will be made under the direction of the Department Head and Human Resources.

Each family member is responsible for and must inform the Human Resources department of a potential or existing situation concerning the employment of another family member.

Dress Code

A. Lexington Office Dress Code

The dress code for the Lexington office is business casual. However, jeans and tennis shoes are acceptable on Fridays unless there are visitors in the Corporate Office. Management will communicate when jeans and tennis shoes are not appropriate on these days. At no time are t-shirts, work -out wear or shorts permitted, even if they carry the MacLellan logo.

Business Casual:

Males: Causal dress pants with a sweater, dress shirt or collared short sleeved shirt. All shirts are to be tucked in. Dress shoes such as loafers or other business footwear. Tennis shoes, sandals or flip-flops are prohibited.

EMPLOYEE HANDBOOK - 5TH EDITION

Females: Casual dresses, dress pants, capri pants or skirt with blouse, sweater, dress shirt or collared sleeved shirt. Dress shoes such as loafers or dress sandals are appropriate. Tennis shoes or flip-flops are prohibited.

Unacceptable clothing at the Lexington Office:

- ✓ Jeans or jean-like pants (except for Fridays)
- ✓ Shorts
- ✓ Excessively short or revealing skirts
- ✓ Sleeveless shirts (for Men)
- ✓ Shirts with inappropriate pictures, words, quotes and/or logos
- ✓ Muscle Shirts or tank tops
- ✓ Transparent or semi-transparent clothing
- ✓ Hats with inappropriate logos, pictures and/or wording
- ✓ Decorative buttons, pins, badges and/or other clothing adornments
- ✓ Torn, tattered or unkempt clothing
- ✓ Tennis shoes (except for Fridays) and slippers,
- ✓ Clothing that presents a safety hazard
- ✓ Clothing that management deems inappropriate, offensive or provocative

Any MacLellan manager or employee who is assigned to work in the Lexington office on a temporary basis is to follow this dress code.

Specific attire for meetings etc. will be announced on an individual meeting basis. If no special meeting attire has been noted, the Lexington Office Dress Code will apply.

Management reserves the right to amend or modify the dress code at any time.

B. Contract Site Dress Code

MacLellan Managers and Supervisors are required to wear clothing that is comparable to or better than our respective customer's management and supervisory dress code. Clothing must be appropriate for the working conditions present at the site. Unless it is inappropriate due to specific conditions or circumstances, company logo shirts are to be worn while at customer facilities.

Employees are to wear clothing that allows freedom of movement to complete their tasks while offering suitable protection from hazards that are present in the areas they are assigned. However, employee personal clothing is not to be considered as a substitute for any required Personal Protective Equipment (PPE) for assigned tasks.

Unacceptable clothing at Contract Site:

- ✓ Jeans or jean-like pants (management)
- ✓ Shorts and/or capris
- ✓ Excessively short or revealing skirts
- ✓ Sleeveless shirts
- ✓ Shirts with inappropriate pictures, words, quotes and/or logos
- ✓ Muscle Shirts or tank tops
- ✓ Transparent or semi-transparent clothing

EMPLOYEE HANDBOOK - 8TH EDITION

COMPENSATION & BENEFITS



EMPLOYEE HANDBOOK

- Absent from work for one or more full days for personal reasons, other than sickness or disability;
- Absent from work for one or more full days as a result of sickness or disability (including work related accidents) and the deduction is made in accordance with MacLellan's plan, policy, or practice for providing compensation for salary loss due to illness;
- Called for jury duty, attendance as a witness, or temporary military leave to the extent that the employee is compensated for such time away from work (i.e., jury fees, witness fees, or military pay);
- Suspended for one or more full days for violation of policy or for a safety infraction;
- In the initial or terminal week of employment (proportionate to the number of days not worked in such week); or
- On unpaid leave under the Family and Medical Leave Act.

MacLellan prohibits other deductions from an exempt employee's salary.

MacLellan wants employees to be aware of this policy and that MacLellan prohibits improper deductions.

If you believe that your pay has been wrongly deducted from your salary, please immediately notify the Controller. The Company will promptly investigate the deduction, and if it was made in error, you will receive a full reimbursement of the amount in your next paycheck. The Company will take reasonable steps to ensure that improper deductions will not be made in the future.

Overtime Pay

According to the Fair Labor Standards Act (FLSA) there are two classifications of employees: exempt and non-exempt. Exempt employees typically hold supervisory or management roles and are not eligible for overtime pay. Exempt employees are expected to work regular hours, in addition to extra hours, as needed to complete their work.

Non-exempt or hourly employees are eligible for overtime pay and will be paid at one-and-a-half times their regular hourly rate for all hours worked over 40 hours in a workweek, unless otherwise required by union contract or state law. At times, non-exempt employees will be required to work more than the typical 40-hour workweek, and they will be paid accordingly. Non-exempt employees are not permitted to work overtime unless their supervisor specifically instructs them to do so. Employees who work overtime without approval from their supervisor are subject to disciplinary action, up to and including termination of employment but will be paid for all work performed.

If a non-exempt employee works less than forty (40) hours in any workweek, they are not entitled to overtime regardless of the number of hours worked in any one day, unless otherwise required by state law. Only hours in which a non-exempt employee is physically at work and is completing assigned tasks count towards overtime. Vacation, holiday, sick, bereavement and jury duty pay are not included in hours worked for calculating overtime. All overtime must be approved by the manager or supervisor before you work the hours.

Timecard Responsibilities

Each employee is responsible for his or her own timecard. Hourly (non-exempt) employees must sign-in at the beginning of the workday, sign-out and back in for meals, and sign-out at the end of the workday. It is considered a violation of MacLellan policy to fill out another employee's timecard, or falsely alter your own timecard. If there is an error on your timecard, you must notify your supervisor or manager of the error immediately. Both the supervisor or manager and the employee must initial corrections. Vacation, sick, bereavement and jury time should also be noted on timecards. Failure to properly sign-in at the beginning of



Progress Note

Patient Name: LEACH, JAMES (6380)

Admit Date: 2/4/2020

Written By: Clare Best

Note Type: Individual Session Note

Draft/Final: Final

Service Description: 90791 DIAGNOSTIC EVAL (90791)

Location: Aspen

Provider: CLARE L. BEST, LCPC, LPHA, MA

Episode: 1

Discharge Date: 9/30/2021

Written On: 2/6/2020

Note Time: 06:33 PM

Progress Note for: Existing Service

Service Date: 2/6/2020

Start Time: 04:00 PM

Stop Time: 05:00 PM

Duration Minutes: 60

IMPORTANT NOTE!

Independent Progress notes will not have times associated.

Progress Note:

Service provided through face-to-face contact with patient

Mood/Affect-Depressed, tearful

Thought process/Orientation: WNL

Concerns/Danger to self/others: No SI, HI, NSSI

Present in session: client

Identification/Presenting Problem: Client states that he has been getting more and more depressed for about the last three years. Client states that he is being sexually harassed by his supervisor. Client states that supervisor is an African American male that has on several occasions grabbed client in the "butt" or touched client's shoulders and gave client a back rub even though client made it verbally clear that he did not want the touch. Client states that supervisor has touched client inappropriately nine times. Client states that supervisor goes around work area calling client "fat boy" and commenting before others on what client is eating. Client states that he has gone to union steward about situation but steward has refused to file complaints against supervisor because they are friends. Client states that he has filed a complaint with the EEOC and has been told that he has the right to sue the company. Client states that he can't sleep, cries often, thinks constantly about these incidents, eats too much and has gained a great deal of weight. Client states that he has been swearing a lot recently and does not want to swear. Client states that he becomes angry at very small things at home, he forgets things, can't concentrate and is tired all the time.

Psychiatric History: none.

Medical: Client has diabetes and has a high liver count.

Family: Client lives with wife, 10 and 14 year old children, and a 17 y/o stepdaughter. Client states that family members get along well but client has not told wife what is going on at work.

Social: Client goes to church but otherwise goes to work and home after.

PROGRESS NOTES (CLN002 Progress Note)

Patient Name: LEACH, JAMES

Patient ID Number: 6380

Date Printed: 3/29/2022 at 12:23:34PM

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Progress Note

Education: High school diploma

Occupation: Janitorial service worker

Legal: none

Substances: No substance abuse. Denies use of alcohol or marijuana.

Trauma/Abuse History: see above for harassment by supervisor and coworkers.

Summary/Diagnosis: Major depressive disorder.

Diagnosis based on reported symptoms/presentation:

Additional: Client knows he must leave this employment but doesn't have a lot of energy to look for another job.

CLARE L. BEST, LCPC, LPHA, MA

Additional Note Written By: On: At:



Progress Note

Patient Name: LEACH, JAMES (6380)

Admit Date: 2/4/2020

Written By: Clare Best

Note Type: Individual Session Note

Draft/Final: Final

Service Description: INDIVIDUAL PSYCHOTHERAPY (3414)

Location: Aspen

Provider: CLARE L. BEST, LCPC, LPHA, MA

Episode: 1

Discharge Date: 9/30/2021

Written On: 2/13/2020

Note Time: 06:16 PM

Progress Note for: Existing Service

Service Date: 2/13/2020

Start Time: 05:00 PM

Stop Time: 06:00 PM

Duration Minutes: 60

IMPORTANT NOTE!

Independent Progress notes will not have times associated.

Progress Note:

Service provided through a face-to-face contact with client

Client presentation (mood, affect, SI, thought process etc.): depressed

Staff Intervention including theoretical framework or approach used (ex: CBT, MET, Trauma Counseling, and specific interventions used during session): CBT, trauma and abuse counseling. This writer stated that client's supervisors are acting like bullies and are abusive to client and other employees and that client is working in a toxic environment. This writer stated that abusing co-workers seems to be part of the culture of the company rather than just one individual being abusive. This writer discussed the fact that this situation is similar to domestic abuse in that the only solution for client is to find other employment in a non-toxic environment rather than face further abuse at the company he is presently working for. This writer discussed using breathing techniques to help client calm himself while at work. This writer urged client to continue to look for other work.

Client's Response: Client states that he is willing to take anti-depressant medication and will discuss this with his PCP. Client states that he is still being harassed at work and is being given the worst jobs and being made to do work alone which is usually being done by two people. Client states that he has not been eating well. Client states that he is working with the supervisor that made sexual advances toward client and this person puts client on jobs that hurt his back and the foot that client injured last year. Client states that the person who is a direct supervisor to the sexual abuser is also client's union rep and this man will not file any kind of grievance against the abuser because they are "friends". Client states that union rep goes around to others in the factory and tells people that he will "put a 44 in worker's mouth and blow their heads off." Client states that no one tells management about this situation. Client states that he does go to a private location where he can physically and emotionally cool down before facing these supervisors again. Client states that he has posted several resumes on Indeed.

Plan/Next Steps: Continue to discuss ways to deal with toxic environment while client looks for other work.

CLARE L. BEST, LCPC, LPHA, MA

Additional Note Written By: On: At:



Progress Note

Patient Name: LEACH, JAMES (6380)

Admit Date: 2/4/2020

Written By: Clare Best

Note Type: Individual Session Note

Draft/Final: Final

Service Description: INDIVIDUAL PSYCHOTHERAPY (3414)

Location: Aspen

Provider: CLARE L. BEST, LCPC, LPHA, MA

Episode: 1

Discharge Date: 9/30/2021

Written On: 2/20/2020

Note Time: 05:12 PM

Progress Note for: Existing Service

Service Date: 2/20/2020

Start Time: 04:00 PM

Stop Time: 05:00 PM

Duration Minutes: 60

IMPORTANT NOTE!

Independent Progress notes will not have times associated.

Progress Note:

Service provided through a face-to-face contact with client

Client presentation (mood, affect, SI, thought process etc.): WNL

Staff Intervention including theoretical framework or approach used (ex: CBT, MET, Trauma Counseling, and specific interventions used during session): CBT. This writer discussed client using breathing techniques to help relax. This writer led client through breathing exercises. This writer discussed client using the STOP and distract skill when he starts ruminating about work at night. This writer stated that between client using breathing skills and reading Scripture he should be able to find a positive way to return to sleep. This writer stated that client can use the breathing techniques while in bed and at work when he becomes angry at coworkers abuse in order for client to remain calm.

Client's Response: Client states that he has been depressed because his knee is hurting him and he has been left alone at work to do work that two people should be doing. Client states that he wakes up at night and thinks about all the things that go wrong at work. Client states that he will get out of bed and read the Bible until he feels more at peace and then go back to bed. Client stated that the breathing practice helped him relax and he will use this technique in the future.

Plan/Next Steps: Continue to discuss relaxation techniques.

CLARE L. BEST, LCPC, LPHA, MA

Additional Note Written By: On: At:

PROGRESS NOTES (CLN0002 Progress Note)

Patient Name: LEACH, JAMES

Patient ID Number: 6380

Date Printed: 3/29/2022 at 12:23:34PM

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Progress Note

Patient Name: LEACH, JAMES (6380)

Admit Date: 2/4/2020

Written By: Clare Best

Note Type: Individual Session Note

Draft/Final: Final

Service Description: INDIVIDUAL PSYCHOTHERAPY (3414)

Location: Aspen

Provider: CLARE L. BEST, LCPC, LPHA, MA

Episode: 1

Discharge Date: 9/30/2021

Written On: 3/16/2020

Note Time: 04:27 PM

Progress Note for: Existing Service

Service Date: 3/12/2020

Start Time: 05:00 PM

Stop Time: 06:00 PM

Duration Minutes: 60

IMPORTANT NOTE!

Independent Progress notes will not have times associated.

Progress Note:

Service provided through a face-to-face contact with client

Client presentation (mood, affect, SI, thought process etc.): WNL

Staff Intervention including theoretical framework or approach used (ex: CBT, MET, Trauma Counseling, and specific interventions used during session): CBT. This writer stated that some people do not "respect" others until client gets so angry that they back off. This writer stated that client must be very intimidating when extremely angry. This writer listened with empathy as client discussed his fears concerning wife's health issues.

Client's Response: Client states that he has been ill with pneumonia and his wife had a heart attack and had to have bypass surgery. Client states that work is still very difficult and he had an argument with a coworker who called client "fat boy". Client states that he told this coworker to "fuck off" and coworker has backed off in his harassment somewhat. Client states that the coworker who has touched client inappropriately in the past touched client's hand while client was washing up even after client told this co-worker not to touch client. Client states that he is documenting these incidents and "wrote up" the coworker.

Plan/Next Steps: Validate client emotions concerning difficult work situation and family health.

CLARE L. BEST, LCPC, LPHA, MA

Additional Note Written By: On: At: